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GOWLING LAFLEUR HENDERSON LLP

1 Place Ville Marie
37th Floor
MONTREAL Quebec
H3B 3P4

Application No. : **2,402,088**
Owner : SCIENTIFIC-ATLANTA, INC.
Title : **APPARATUS AND METHOD FOR PROVIDING A PLURALITY
OF INTERACTIVE PROGRAM GUIDE INITIAL
ARRANGEMENTS**
Classification : H04N 5/445 (2006.01)
Your File No. : **L8000666CA**
Examiner : Reginald Linco

YOU ARE HEREBY NOTIFIED OF A REQUISITION BY THE EXAMINER IN ACCORDANCE WITH SUBSECTION 30(2) OF THE *PATENT RULES*. IN ORDER TO AVOID ABANDONMENT UNDER PARAGRAPH 73(1)(a) OF THE *PATENT ACT*, A WRITTEN REPLY MUST BE RECEIVED WITHIN 6 MONTHS AFTER THE ABOVE DATE.

This application has been examined taking into account applicant's correspondence received in this office on March 4, 2009.

Description, pages 1-25, as originally filed;
Claims, 1-48, as received with the letter of amendment received March 4, 2009;
and
Drawings, pages 1/14-14/14, as originally filed.

The number of claims in this application is 48.

The examiner has identified the following defects in the application:

The search of the prior art has revealed the following:

References Applied:

Japanese Patent Application

D1: JP 09322022 A □ Dec. 12, 1997 Tomita et al.
(machine translation from JPO)

United States Application

D2: US 5,850,218 □ Dec. 15, 1998 LaJoie et al.

is cited in the EPO.

Obviousness

Claims 1, 15, 29 and 42 do not comply with section 28.3 of the *Patent Act*. The subject matter of these claims would have been obvious on the claim date to a person skilled in the art or science to which they pertain having regard to D1 in view of D2.

Claims 2 to 14, 16 to 28, 30 to 41 and 43 to 48 do not comply with section 28.3 of the *Patent Act*. The subject matter of these claims would have been obvious on the claim date to a person skilled in the art or science to which they pertain having regard to D1, D2 in view of the prior art.

As to claims 1, 15, 29 and 42, D1 teaches a set-top terminal, an IPG and a method comprising:
- memory configured to store an interactive program guide, the IPG configured to display, on a display screen, program information related to a plurality of television programs, the program information for each television program including at least a title of the television program, a start time of the television program, and a channel on which the television program can be viewed ([0014]-[0015]; [0035]-[0036]; FIG. 15); and

- a processor in communication with the memory, the processor configured to control the IPG to display the program information ([0014]-[0015]; [0027]-[0029]);
- wherein the processor is further configured to receive an activation instruction from a viewer to change the display screen from a program view predominantly showing a television program to an IPG view predominantly showing program information ([0032]-[0035]; FIG. 15);
- wherein the processor is further configured to receive an arrangement instruction from the viewer to display the program information in one of at least two views including at least a time view and a view other than a time view ([0043]-[0049]; FIGs. 15 and 19); and
- wherein the processor is further configured to receive an initial-IPG-view instruction from the viewer to select one of the at least two views as an initial view when the display screen is initially changed to the IPG view ([0049]; FIG. 19); and
- wherein, upon receiving an activation instruction from the viewer, the processor is further configured to display the program information in the initial view selected by the viewer ([0043]-[0049]; FIGs. 15 and 19).

D1 does not but D2 discloses the time view presenting the program information based on start times and listed in an order based on channel numbers (col. 23, ll. 44-51; col. 25, ll. 15-37; FIG. 16); and

- wherein the processor is further configured, responsive to receiving a focus instruction subsequent to the activation instruction (col. 6, ll. 4-11, ll. 18-26), to center the sequential channels on the channel corresponding to a current program to which the STT is tuned, and to highlight the one of the television program channels corresponding to the current program (col. 23, ll. 44-65; col. 24, ll. 38-41; FIG. 16). It would have been obvious to one of ordinary skill in the art on claim date to modify the teachings of D1 in view of D2 in order to provide a full service television system capable of delivering advanced television services (col. 1, ll. 43-45).

Claims 2 to 14, 16 to 28, 30 to 41 and 43 to 48 do not define any additional elements or characteristics which in combination with the features of any claim they depend on would distinguish them from D1, D2 and the common general knowledge in the art on claim date, hence the subject matter of these claims is deemed obvious.

Non-statutory subject matter

Claims 15 to 28 are directed to non-statutory subject matter, and are outside the definition of invention in section 2 of the Patent Act. The category of invention "An interactive program guide" (claim 15, p. 29) does not fall into an art, a process, a machine, a manufacture or a composition of matter. Furthermore, the applicant's attention is directed to the fact that a patentable computer implemented invention can be acceptably claimed as a method, an apparatus or a manufacture (see MOPOP 16.04).

Indefiniteness

Claims 42 to 48 are indefinite and do not comply with Subsection 27(4) of the Patent Act. More specifically:

- the preamble fails by not including computer readable code for execution in the computer instead of "computer program" (claim 42, p.34).
- the recitation fails by not including method steps or the equivalent construct "code means for" (see MOPOP16.04.03a)

In view of the foregoing defects, the applicant is requisitioned, under subsection 30(2) of the *Patent Rules*, to amend the application in order to comply with the *Patent Act* and the *Patent Rules* or to provide arguments as to why the application does comply.

Under section 34 of the *Patent Rules*, any amendment made in response to this requisition must be accompanied by a statement explaining the nature thereof, and how it corrects each of the above identified defects.

Reginald Linco
Patent Examiner
819-994-1683
2402088A.rfl.wpd